

Federal court at the Northern District of Ohio
Youngstown Division

David C. Letherer
Plaintiff

FILED

DEC 20 2023

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
YOUNGSTOWN

-against-

D 3 - 20 - 1660

Lawrence Joseph Wardo
Defendant

Reconsideration

The plaintiff moves for reconsideration of the passes of Rule 28 USC § 1702.

"28 U.S.C. § 1702(B) has been construed as a venue statute." Upchurch Piper Aircraft Corp. 736 F.3d 939.

"Venue under Federal Tort Claims Act lies within district tort occurred or where plaintiff resides," per Berry v. United States, 915 F. Supp. 174.

As such when the plaintiff had commenced the action the plaintiff was residing in Northeast Ohio Correctional Center Youngstown, Ohio in which because Wardo in a federal agency Title 28 USC § 1702 applies.

"Venue as to a plaintiff's Federal Tort claim act, 28 U.S.C. § 1333(B) et seq. claim is governed by 28 U.S.C. § 1702(B), the general venue statute governing suit in which the United States is a defendant. The

Statute provides that venue in civil tort suits against United States may be brought only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred." *Burtel v Federal Aviation Admin.*, 617 F. Supp. 190

Since it supports the United States the venue is proper because of the agents.

Thank you,

Sworn To Me Before This 13th Day

of December 2023





Daniel C. Lettien

